

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONALD BENNETT,

Petitioner,

v.

CASE NUMBER: 12-14225
HONORABLE VICTORIA A. ROBERTS

J.A. TERRIS,

Respondent.

_____/

**ORDER ADOPTING MAGISTRATE'S
REPORT AND RECOMMENDATION**

On July 24, 2013, Magistrate Judge Paul J. Komives issued a Report and Recommendation (R & R) recommending that the Court dismiss Petitioner's application for writ of habeas corpus without prejudice for failing to exhaust his administrative remedies. On August 5, 2013, Petitioner filed objections to the R & R.

In accordance with Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1), the Court has reviewed *de novo* the R & R and Petitioner's objections. The Court agrees with Magistrate Judge Komives' conclusion.

The Court **ADOPTS** the R&R; Petitioner's application for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**. Petitioner may refile his petition after exhausting his administrative remedies.

IT IS ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: January 14, 2014

The undersigned certifies that a copy of this document was served on the attorneys of record and Donald Bennett by electronic means or U.S. Mail on January 14, 2014.

s/Carol A. Pinegar _____
Deputy Clerk